vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.788 OF 1999

Kulaba Zilla Adivasi Seva
Mandal & Anr. ... Petitioners

V/s.

S.A. Metkari & Ors. ... Respondents

Mr.G.V. Limaye for Petitioners
Mr.A.M. Joshi for Respondent Nos.1 and 2
Mr.S.K. Chinchalikar, AGP, for Respondent No.3

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 26, 2007**

P.C.:

. The petition challenges the order of the School Tribunal dated 29.9.1997. By this order, the School Tribunal has found that the services of Respondent Nos.1 and 2 had been illegally terminated w.e.f. 1.8.1995. The Tribunal has, therefore, directed payment of backwages to the employees i.e. Respondent Nos.1 and 2 herein since they had already been absorbed in some other schools during the pendency of the appeal.

2. Respondent No.1 has been absorbed in another school on 19.4.1996 while Respondent No.2 has been absorbed on 27.3.1996. Therefore, the backwages would be payable to them from 1.8.1995 till their respective dates of absorption in other schools.

3. The order of the Tribunal cannot be faulted as the Tribunal has found that the services of the respondent employees had been terminated in breach of Rule 26 of the MEPS Rules which requires three months' notice to be given to a permanent employee before he is retrenched.

4. In the circumstances, the order of the School Tribunal is confirmed. The petitioner shall send the proposal for paying backwages to the respondent employees within four weeks from today. Respondent No.3 to release the grant within eight weeks thereafter for payment of backwages to Respondent Nos.1 and 2. On receipt of the grant, the amount shall be paid to respondent Nos.1 and 2 within two weeks thereafter.

5. Writ petition is disposed of accordingly.

6. Parties to act on an authenticated copy of this order.